

AP6 Rec'd PCT/PTO 02 APR 2007

PATENT  
ATTORNEY DOCKET NO.: 059490-5031

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Youchun YAN, et al. ) Confirmation No.: 4960  
U.S. Application No.: 10/577,327 )  
International Appln. Filing Date: October 29, 2004 ) Group Art Unit: Unassigned  
Date of National Stage Entry: April 28, 2006 ) Examiner: Unassigned  
For: FOOD PRODUCT COMPRISING AN EXTRACT)  
FROM PINE NEEDLES )

Commissioner of Patents  
**MAIL STOP PCT**

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS**  
**UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed February 2, 2007.

A copy of the Notification of Missing Requirements (Form PTC/DO/EO/905) is enclosed.

2. Declaration Or Oath

- No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

Applicant(s) hereby assert small entity status.

5. Fee Calculation

Basic Fee: PCT Application-\$				
	Number Filed	Number Extra	at a Rate of	
Total Claims	22 - 20 =	2	x \$25.00	\$50.00
Independent Claims	- 3 =		=	
Multiple dependent claim(s), if any			\$360.00	
Missing Requirements Surcharge Fee			\$130.00	\$130.00
<b>SUB-TOTAL =</b>				<b>\$180.00</b>
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d))			\$130.00	
Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d))			\$130.00	
<b>TOTAL FILING FEE =</b>				<b>\$180.00</b>

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 420.00	\$210.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,480.00	\$1,005.00

Extension of time fee due with this request: \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a Petition therefor.

- Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is:      Completion Fees      \$180.00  
                                Assignment Fees      \$ 40.00  
                                Total Fee Due      \$220.00

- The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0310.

04/04/2007 MKAYPAGH 00000070 500310 10577327

01 FC:1615      50.00 DA  
02 FC:1617      130.00 DA

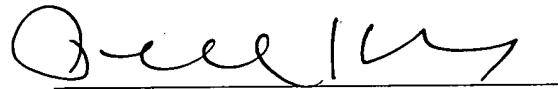
**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- Assignment & PTO 1595 Cover Sheet
- Preliminary Amendment
- PCT/IB/338 English translation of the International preliminary Examination Report
- Information Disclosure Statement
- Form PTO-1449, 37 documents listed and 7 documents provided
- International Search Report
- Declaration of Biological Deposit
- Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Paul N. Kokulis, Reg. No. 16,773

Date: April 2, 2007

**Customer No. 09629**

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**UNITED STATES PATENT AND TRADEMARK OFFICE**

UNITED STATES DEPARTMENT OF COMMERCE  
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U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/577,327	Youchun Yan	059490-5031
		INTERNATIONAL APPLICATION NO.
		PCT/GB04/04575
9629	Docketed <u>2/15/07</u> Attorney <u>PNK/DKw</u>	I.A. FILING DATE <u>10/29/2004</u> PRIORITY DATE <u>10/30/2003</u>
MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004	Case No. <u>59490-5031</u>	
	Due Date <u>Apr 2, 2007</u>	
	Action <u>Missing Requirements</u>	<b>CONFIRMATION NO. 4960</b>
	By <u>PSF</u> <u>OK</u>	371 FORMALITIES LETTER
		*OC000000022301754*

Date Mailed: 02/02/2007

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/28/2006
- Copy of the International Search Report filed on 04/28/2006
- Copy of IPE Report filed on 04/28/2006
- Preliminary Amendments filed on 04/28/2006
- U.S. Basic National Fees filed on 04/28/2006
- Priority Documents filed on 04/28/2006
- Specification filed on 04/28/2006
- Claims filed on 04/28/2006
- Drawings filed on 04/28/2006

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FEB 05 2007

MORGAN, LEWIS & BOCKIUS LLP

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$50 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$180** for a Large Entity:

- **\$130** Surcharge.
- Total additional claim fee(s) for this application is **\$ 50**
  - **\$50** for **2** total claims over **20**.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at **1-866-217-9197** or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

KAYA L LEWIS BALTIMORE

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Telephone: (703) 308-9140 EXT 202

**PART 2 - OFFICE COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/577,327	PCT/GB04/04575	059490-5031

FORM PCT/DO/EO/905 (371 Formalities Notice)